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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 AUGME TECHNOLOGIES, INC.,

15 Plaintiff,

16 v.

17 YAHOO! INC.,

18 Defendant

19 AND RELATED COUNTERCLAIMS
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Case No. C-09-5386 JCS

**STIPULATION AND
[PROPOSED] ORDER
ENLARGING TIME FOR
EXCHANGING PRELIMINARY
CLAIM CONSTRUCTION AND
EXTRINSIC EVIDENCE AND
FILING JOINT CLAIM
CONSTRUCTION AND PRE-
HEARING STATEMENT**

Hon. Joseph C. Spero

Pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, the parties, through their undersigned counsel, hereby stipulate, subject to the Court's approval, as follows:

WHEREAS, this action was filed on November 16, 2009 (Docket No. 1);

WHEREAS, this action was reassigned to the Honorable Joseph C. Spero on April 20, 2010 (Docket No. 45);

WHEREAS, the Court entered a Case Management and Pretrial Order on May 12, 2010 ("CMC Order") (Docket No. 50);

WHEREAS, the CMC Order requires the parties to exchange their Preliminary Claim Construction and Extrinsic Evidence pursuant to Patent L.R. 4-2 on October 18, 2010;

WHEREAS, on October 18, 2010, the Court granted the parties' first stipulated request to extend, by one week, the date for exchanging their Preliminary Claim Construction and Extrinsic Evidence, to October 25, 2010;

WHEREAS, the parties have stipulated to extend, by one additional week, the date for exchanging their Preliminary Claim Construction and Extrinsic Evidence, to November 1, 2010;

WHEREAS, the parties have also stipulated to extend the next deadline in the CMC Order, the date for filing their Joint Claim Construction and Pre-hearing Statement now set for November 12, 2010, by three weeks, to December 3, 2010;

WHEREAS, the parties have agreed that no other scheduled dates in this action will be changed due to this extension;

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1 THEREFORE, for the reasons set forth more fully in the accompanying declaration of
2 Daniel P. Muino, the parties request the entry of an order extending the deadline for:

- 3 1) the parties to exchange their respective Preliminary Claim Construction and
4 Extrinsic Evidence pursuant to Patent L.R. 4-2 by seven (7) calendar days, to
5 November 1, 2010; and
6 2) the parties to file their Joint Claim Construction and Pre-hearing Statement
7 pursuant to Patent L.R. 4-3 by 21 calendar days, to December 3, 2010.

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9 Dated: October 25, 2010

MORRISON & FOERSTER LLP

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11 By: /s/ Daniel P. Muino
12 Daniel P. Muino

13 Attorneys for Defendant
14 YAHOO! INC.

15 Dated: October 25, 2010

SHAUB & WILLIAMS LLP

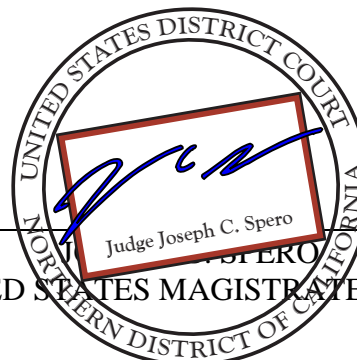
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17 By: /s/ David R. Shaub
18 David R. Shaub

19 Attorneys for Plaintiff
20 AUGME TECHNOLOGIES, INC.

21 **[PROPOSED] ORDER**

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23 Date: October 26, 2010



UNITED STATES MAGISTRATE JUDGE

ECF ATTESTATION

I, Daniel P. Muino, am the ECF User whose ID and Password are being used to file this

**STIPULATION AND [PROPOSED] ORDER ENLARGING TIME FOR THE
PARTIES' EXCHANGE OF PRELIMINARY CLAIM CONSTRUCTION AND
EXTRINSIC EVIDENCE PURSUANT TO PATENT L.R. 4-2.**

In compliance with General Order 45, X.B., I hereby attest that each signatory to this
document has concurred to its filing.

Dated: October 25, 2010

MORRISON & FOERSTER LLP

By: /s/ Daniel P. Muino
Daniel P. Muino